

Response under 37 C.F.R. 1.116

Applicant: Travis J. Parry

Serial No.: 10/092,050

Filed: March 5, 2002

Docket No.: 10008068-1

Title: PRINTER OPTION SUGGESTION METHOD AND PROGRAM**REMARKS**

The following Remarks are made in response to the Final Office Action mailed February 20, 2007, in which claims 1-20 were rejected.

Claims 1-20 remain pending in the application and are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. § 112

Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement in that the Examiner contends that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. With reference to the added limitation of claims 1 and 16 including determining options, wherein said available options include consumable options for said at least one printing device, the Examiner contends that the specification provides no support for determining and selecting a consumable option.

Applicant respectfully traverses this rejection.

Regarding the available options including consumable options for the at least one printing device, Applicant notes that paragraph [0035] of the Specification provides that:

Based upon all of the information obtained, an optimization program 170 may suggest various printing device 110 configurations. This may include suggestions for adding paper handling devices adding additional network devices, using a toner miser function, turning on a job retention memory, and suggesting other printing device configurations (emphasis added).

In addition, claim 20, as originally filed, provided that:

...wherein said suggesting at least one change to said at least one printing device for optimizing the use of said at least one printing device with said network computer system comprises suggesting an option selected from the group consisting of using a toner miser function, turning on a job retention memory, and suggesting other printing device configurations (emphasis added).

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Furthermore, paragraph [0025] of the Specification provides that "*In one embodiment, the optimization program 170 may include functions for querying individual printing devices 110 to determine characteristics such as paper usage rates, toner usage rates, power usage, numbers of received print jobs, and the like*" (emphasis added). In addition, paragraph [0028] of the Specification provides that "*...a printing device 110 may include programming for monitoring usage characteristics such as consumable use per job rate, print job quantities, peak times for print jobs, or other such information*" (emphasis added).

As a toner miser function is an option for toner usage by the printing device, and toner is recognized as a consumable, Applicant submits that the toner miser function is an example of a consumable option for the printing device. Accordingly, Applicant submits that the added limitation of said available options including consumable options for said at least one printing device is supported by the original disclosure.

Applicant, therefore, respectfully requests that the rejection of claims 1-20 under 35 U.S.C. 112, first paragraph, be reconsidered and withdrawn, and that claims 1-20 be allowed.

Claim Rejections under 35 U.S.C. § 103

Claims 1-9, 11, 12, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Igval Patent No. 6,045,206 in view of Nguyen et al. US Patent No. 6,825,941.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Igval US Patent No. 6,045,206 and Nguyen et al. US Patent No. 6,825,941, and further in view of known prior art.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Igval US Patent No. 6,045,206 and Nguyen et al. US Patent No. 6,825,941, and further in view of Hopkins US Patent No. 5,390,004.

Claims 16, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Igval US Patent No. 6,045,206 in view of Overall et al. US Patent No. 5,797,061, and further in view of Nguyen et al. US Patent No. 6,825,941.

Claims 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Igval US Patent No. 6,045,206, Overall et al. US Patent No. 5,797,061, and Nguyen et al. US Patent No. 6,825,941, and further in view of known prior art.

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Applicant respectfully traverses these rejections.

Independent claim 1 includes "determining usage characteristics of at least one printing device;" "determining all options available for said at least one printing device, said available options including paper handling, consumable, servicing, print processing, configuration, software, and hardware options for said at least one printing device;" "determining all installed options currently existing on said at least one printing device, said installed options including paper handling, consumable, servicing, print processing, configuration, software, and hardware options of said at least one printing device;" and "determining a set of optimal options for said at least one printing device based on said usage characteristics, said available options and said installed options."

Independent claim 16 includes "determining usage characteristics including an amount and type of use of at least one printing device with said device management program;" "using said computer program to determine all options available for said at least one printing device, said available options including paper handling, consumable, servicing, print processing, configuration, software, and hardware options for said at least one printing device;" "using said computer program to determine all installed options present on said at least one printing device, said installed options including paper handling, consumable, servicing, print processing, configuration, software, and hardware options of said at least one printing device;" and "using said computer program to determine an optimal set of options for said at least one printing device based on said usage characteristics, said available options and said installed options."

With respect to the Igval, Nguyen, Hopkins, and Overall patents, Applicant submits that these patents, individually or in combination, do not teach or suggest a method for improving use of printing devices as claimed in independent claim 1, and do not teach or suggest a method for suggesting printing device options as claimed in independent claim 16.

For example, the Igval patent discloses a method of operating an ink jet printer including using a maintenance algorithm to control timing of a maintenance action, keeping a historical log of an operating characteristic of the ink jet printer over a period of time, and changing the maintenance algorithm for subsequent use by the ink jet printer based upon the historical log (see Abstract). More specifically, the Igval patent is directed to an ink jet printer having a variable maintenance algorithm that adapts to the actual usage patterns of the

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ink jet printer so as to optimize the consumption of ink (col. 1, lines 5-10). For example, the Igval patent provides that a maintenance algorithm #1 is the default algorithm while maintenance algorithms #2-4 are alternative maintenance algorithms that may be adopted for use if the usage pattern of the postage printing system 100 permits (col. 6, lines 20-24). The Igval patent, therefore, is directed to changing a maintenance algorithm based on usage only.

The Igval patent, however, does not determine all options available for the printing device, does not determine all installed options currently existing on the printing device, and does not determine a set of optimal options for the printing device based on the usage characteristics, the available options and the installed options, wherein the available options for the printing device include paper handling, consumable, servicing, print processing, configuration, software, and hardware options for the printing device, and the installed options currently existing on the printing device include paper handling, consumable, servicing, print processing, configuration, software, and hardware options of the printing device.

The Nguyen patent discloses a modular Universal Printer Driver which operates in conjunction with OEM developed minidrivers which utilize a text based Generic Printer Description (GPD) format such that the universal driver allows the GPD text based minidrivers to add and define new features introduced by the printer OEM, and the universal driver also allows the GPD minidriver to modify, add, or replace the standard user interface provided by the universal driver (Abstract). More specifically, the Nguyen patent discloses that the Generic Printer Description (GPD) format provides support for generic features, provides support for custom help, provides support for installable options, and provides support for various types of constraints (col. 3, line 60 - col. 4, line 10). In this regard, the Nguyen patent discloses that "[t]he driver UI asks the user which options are actually installed and allow[s] users to select only those that are installed" (emphasis added) (col. 4, lines 2-4). The Nguyen patent, therefore, simply provides a universal printer driver and a printer description file format (i.e., GPD) for outputting data to an output device, such as a printer.

The Nguyen patent, however, does not determine all options available for the printing device, does not determine all installed options currently existing on the printing device, and does not determine a set of optimal options for the printing device based on the usage

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characteristics, the available options and the installed options, wherein the available options for the printing device include paper handling, consumable, servicing, print processing, configuration, software, and hardware options for the printing device, and the installed options currently existing on the printing device include paper handling, consumable, servicing, print processing, configuration, software, and hardware options of the printing device.

Accordingly, Applicant submits that modifying the Igval patent in view of the Nguyen patent does not overcome the shortcomings of the Igval patent. More specifically, Applicant submits that the combination of the Igval and Nguyen patents does not determine all options available for the printing device, does not determine all installed options currently existing on the printing device, and does not determine a set of optimal options for the printing device based on the usage characteristics, the available options and the installed options, wherein the available options for the printing device include paper handling, consumable, servicing, print processing, configuration, software, and hardware options for the printing device, and the installed options currently existing on the printing device include paper handling, consumable, servicing, print processing, configuration, software, and hardware options of the printing device, as claimed in independent claims 1 and 16. Applicant notes that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

In view of the above, Applicant submits that independent claims 1 and 16 are each patentably distinct from the Igval, Nguyen, Hopkins, and Overall patents and, therefore, are each in a condition for allowance. Furthermore, as dependent claims 2-15 further define patentably distinct claim 1, and dependent claims 17-20 further define patentably distinct claim 16, Applicant submits that these dependent claims are also in a condition for allowance. Applicant, therefore, respectfully requests that the rejections of claims 1-20 under 35 U.S.C. 103(a) be reconsidered and withdrawn, and that claims 1-20 be allowed.

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In view of the above, Applicant respectfully submits that pending claims 1-20 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Any inquiry regarding this Response should be directed to either Nathan R. Rieth at Telephone No. (208) 396-5287, Facsimile No. (208) 396-3958 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300 on this 20th day of April, 2007.

By 
Name: Scott A. Lund